

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSHUA MENDEZ,

Plaintiff,

v.

9:12-CV-560  
(TJM/CFH)

MICHAEL J. AMATO, Sheriff; MICHAEL  
FRANKO, Jail Administrator,

Defendants.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

**I. INTRODUCTION**

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In his June 18, 2013 Report-Recommendation and Order, Magistrate Judge Hummel recommends that Defendants' motion for summary judgment (Dkt. # 23) be granted in part and denied in part. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

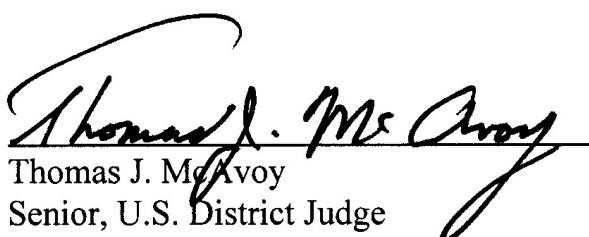
### III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Defendants' motion for summary judgment [dkt. # 23] is **GRANTED in part and DENIED in part**. In this regard, the motion is

1. **GRANTED** with respect to Mendez's claims regarding his condition of confinement, access to the law library and counsel, and freedom to practice his religion, and these claims are dismissed; and
2. **DENIED** in all other respects.

**IT IS SO ORDERED.**

**Dated:** September 17, 2013



Thomas J. McAvoy  
Senior, U.S. District Judge